

Remarks

Claims 1, 4, 6 and 13 to 15 are amended and claim 16 is added. Claims 1 to 9 and 13 to 16 are pending in this application of which only claims 1 and 13 are in independent form.

Claims 4, 6 and 13 to 15 were rejected under 35 USC 112, second paragraph, as being indefinite for the reasons set forth on pages 2 and 3 of the action.

Claim 4 is amended to delete the term "approximately" and claim 4 is now limited to the recitation of a lamella having an S-shape when viewed in cross section and claim 16 is added to cover a lamella having a Z-shaped configuration.

Claim 6 is amended to provide the antecedent basis noted and claims 13 to 15 are now directed to the combination of the apparatus and the operating substance tank.

The claims should now be definite as required by the statute.

Claims 1, 5, 7 and 13 to 15 were rejected under 35 USC 102(b) as being anticipated separately by Souza and Kubota. The following will show that claim 1, as amended, patentably distinguishes the invention over this reference.

Before considering Souza and Kubota, applicants believe it will be helpful to briefly describe their invention.

The applicants' invention is directed to a tank for holding an operating substance for a work apparatus. The operating substance can, for example, be fuel or lubricating oil. The operating substance tank has a fill opening in which the

operating substance is added to the tank. During filling, the work apparatus is not in use so that during the filling operation no operating substance can be drawn from a tank. After filling, the fill opening is closed. Thereafter, the work apparatus is operated and during the operation thereof, the operating substance is drawn by suction from the tank. The volume of the tank is large compared to the outflow connection which, applicants respectfully submit, is the very nature of a tank for holding an operating substance. A tank for a work apparatus is inherently so designed that the work apparatus can be operated over a longer time span without it being necessary to refill. In the applicants' invention and as set forth in claim 1 with specificity, the filter wall is defined as

"...extending over the interior cross section of said tank so as to partition said tank housing into at least first and second spaces;" (emphasis added)

If the filter were mounted directly at the outflow connection, then a problem would be present that the filter would soon become clogged because of contaminants. The applicants' invention avoids this unwanted situation by providing a filter wall which partitions the tank into two spaces as set forth in claim 1. Attention is also called to the fact that a filter wall is formed as one piece with one of the housing parts. This feature and limitation is set forth in claim 1 with a clause:

"...and said filter wall being configured as one piece with one of said first and second housing parts;" (emphasis added)

The cross section of the tank housing is large compared to a cross section of an outflow connection. For this reason, the

large surface provided by the filter wall enables the filter to trap contaminants so that they cannot clog the outflow connection. This too is expressed in claim 1 with the clause:

"said outflow connection being disposed in said second space downstream of said filter wall so that said contaminants are prevented by said filter wall from clogging said outflow connection as said operating substance is drawn by said work apparatus during operational use thereof."

The foregoing is nowhere suggested in either of the two applied references which will now be discussed.

Souza is directed to a foreign particle arrester in water cooling systems of internal combustion engines. In water cooling systems of this kind, this water is moved at a high recirculation speed. The foreign particle arrester is configured as a pot in which the filter elements project. A cleaning of the filter elements is achieved in that a turbulence is generated in the filter housing because of the flow speed of the cooling water. At the same time, the cooling water can flow about a first filter element. A second filter element is mounted at the outflow connection and has only a slightly larger cross section than the outflow connection.

Applicants respectfully submit that a tank for holding an operating substance cannot be derived from the foreign particle arrester disclosed by Souza with the exercise of only ordinary skill. The artisan receives no suggestion from this reference as to how a filter could be configured in a tank for holding an operating substance. Indeed, the turbulence needed to clean the filter as taught by Souza is not possible in a tank because a

tank by its very nature cannot be filled and emptied simultaneously. A throughflow in accordance with the teaching of Souza is therefore never obtained in a tank so there is no way in which our person of ordinary skill could hit upon the applicants' invention as defined in claim 1 with the special features and limitations quoted above from this reference.

The other reference, Kubota, is directed to a cleaning device arrangement mounted in a line such as a pipe. Here too, there is no way our person of ordinary skill can possibly hit upon the idea of providing a tank for holding an operating substance. The bars 5 disclosed in Kubota for entangling impurities do not constitute a filter wall as claimed by the applicants as part of a tank for holding an operating substance. More specifically, there is no way our person of ordinary skill could come upon the idea of a tank for an operating substance from a study of Kubota.

In view of the foregoing, applicants submit that claim 1, as amended, patentably distinguishes their invention also over Kubota so that claim 1 should now be allowable. Claims 2 to 9 are all dependent from claim 1 so that these claims too should be allowable.

Claim 13 is amended to be coextensive with claim 1 in the context of a combination of the work apparatus and operating substance tank so that this claim too should now be allowable as should claims 14 and 15 which are dependent therefrom.

Reconsideration of the application is respectfully
requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Walter Ottesen".

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Version with Markings to show Changes made:

In the Disclosure:

Please amend the paragraphs on page 4, lines 2 to 5 as follows:

FIG. 4 is a plan view of the first housing part of FIG. 3;
~~and,~~

FIG. 5 is a plan view of a second housing part configured as an attachment flange of a work tool;

FIG. 6 is a section view of a lamella having an S configuration; and,

FIG. 7 is a section view of a lamella having a Z configuration.

Please amend the paragraph on page 4, starting on line 30 as follows:

An inner filter wall 8 is formed on the wall 13 of the first housing part 6 as one piece. The filter wall 8 has an edge 30 which faces away from the wall 13 of the first housing part 6 and ends in a partition plane 14 between the first and second housing parts. The filter wall 8 is formed of small rod-shaped lamellae 11 arranged approximately parallel to each other. A narrow gap 12 is formed between each two mutually adjacent ones of the lamellae. An operating substance 15 passes therethrough from a first space 9 (a dirt space) into a second space 10 (a clean space). As especially shown in a plan view of the interior

of the first housing part 6 in FIG. 4, the lamellae 11 are configured to have an S-shape or Z-shape in cross section as shown in FIGS. 6 and 7. During operation, the operating substance 15 is filled into the first space 9 of the tank housing 5 via the fill opening 3 and flows through the gaps 12 between the lamellae 11 into the second space 10. The operating substance is drawn off via a discharge opening 4 (see FIG. 5) from space 10 as required. An improved degree of deposition on the filter wall 8 is achieved with the S-shaped or Z-shaped cross-sectional form of the lamellae 11. This is so because the dirt particles can better separate and deposit on the lamellae 11 configured in such a way.

In the Claims:

Please amend claims 1, 4, 6 and 13 to 15 as follows:

1. (Amended) An operating substance tank including an operating substance tank for a portable handheld work apparatus, the operating substance tank comprising:

5 a tank housing having a tank interior and including a first housing part; and, a second housing part connected to said first housing part and defining said tank interior conjointly therewith;

10 a filter wall for trapping contaminants contained in said operating substance and said filter wall being configured as one piece with one of said first and second housing parts;

said filter wall partitioning extending over the interior cross section of said tank so as to partition said tank housing

into at least first and second spaces; ~~and,~~

15 said tank including a fill opening for filling said
operating substance into said first space and an outflow
connection through which said operating substance is drawn from
said second space; and,

20 said outflow connection being disposed in said second space
downstream of said filter wall so that said contaminants are
prevented by said filter wall from clogging said outflow
connection as said operating substance is drawn by said work
apparatus during operational use thereof.

4. (Amended) The tank of claim 2, each of said lamellae being
configured to be ~~approximately S-shaped or Z-shaped~~ when viewed
in cross section.

6. (Amended) The tank of claim 1, wherein ~~one of said walls of~~
said first housing part ~~defines~~ has a wall defining a plane
extending into the interior thereof; and, said filter wall is
mounted in said plane.

13. (Amended) ~~The tank of claim 1, wherein said~~ A work
apparatus ~~includes~~ comprising:

an apparatus housing;

5 a tank for holding an operating substance and said tank
including a tank housing;

said tank housing having a tank interior and including a
first housing part; and, a second housing part connected to said
first housing part and defining said tank interior conjointly
therewith;

10 a filter wall for trapping contaminants contained in said
operating substance and said filter wall being configured as one
piece with one of said first and second housing parts;

said filter wall extending over the interior cross section
of said tank so as to partition said tank housing into at least
15 first and second spaces;

said tank including a fill opening for filling said
operating substance into said first space and an outflow
connection through which said operating substance is drawn from
said second space;

20 said outflow connection being disposed in said second space
downstream of said filter wall so that said contaminants are
prevented by said filter wall from clogging said outflow
connection; and,

said second housing part ~~is~~ being defined by said apparatus
25 housing.

14. (Amended) The tank work apparatus of ~~claim 9,~~ claim 13,
wherein said ~~work apparatus includes an~~ apparatus housing is in
the form of an attachment flange.

15. (Amended) The tank work apparatus of claim 14, wherein said
work apparatus includes a work tool; said attachment flange
having first and second ends; and, said attachment flange is
connected to said substance tank at said first end and to said
5 work tool at said second end.

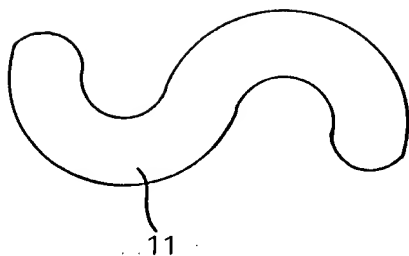


FIG. 6

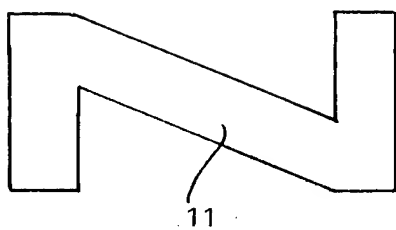


FIG. 7